

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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In Re:

Shane Christopher Buczek

Debtor(s)

Case No.: 1-19-11441-CLB

Chapter: 13

SSN: xxx-xx-5635

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**ORDER**

Shane Christopher Buczek, who is appearing pro se in matters before this Court, has requested that the Bankruptcy Clerk issue a subpoena to "Dave P. Case" to appear for purposes of testifying at a hearing or trial at 10:00 AM on February 24, 2020. A copy of the proposed subpoena is attached hereto as Exhibit "A". This designated time has been reserved for a general motion calendar, during which the Court will hear argument only on all duly scheduled motions. No trial or evidentiary hearing is scheduled for that time. Inasmuch as the court does not foresee the consideration of testimony during the motion calendar on the above mentioned date, no basis exists for the issuance of a subpoena for a prospective witness to appear. Accordingly, the Bankruptcy Clerk is directed not to issue the subpoena as requested.

So ordered.

Dated: \_\_\_\_\_

FEB - 7 2020

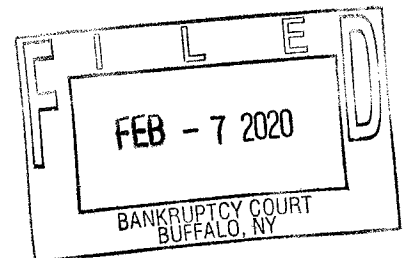


**HONORABLE CARL L. BUCKI**

Chief Judge, United States Bankruptcy Court

Form ORDERGEN

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## EXHIBIT “A” – proposed subpoena

## UNITED STATES BANKRUPTCY COURT

Western District of New York  
 In re Shane Christopher Buzell  
 Debtor

(Complete if issued in an adversary proceeding)

Case No. 1-19-11441-CLBChapter 13

Plaintiff

v.

Adv. Proc. No. \_\_\_\_\_

Defendant

**SUBPOENA TO APPEAR AND TESTIFY  
 AT A HEARING OR TRIAL IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

To: DAVE P. CASE  
 (Name of person to whom the subpoena is directed)

☒ **YOU ARE COMMANDED** to appear in the United States Bankruptcy Court at the time, date, and place set forth below to testify at a hearing or trial in this bankruptcy case (or adversary proceeding). When you arrive, you must remain at the court until the judge or a court official allows you to leave.

PLACE <u>United States Bankruptcy Court</u> <u>2 Niagara Square 5th Floor</u> <u>Buffalo New York 14202</u>	COURTROOM
	DATE AND TIME <u>2/27/2020</u> <u>10:00 AM</u>

You must also bring with you the following documents, electronically stored information, or objects (leave blank if not applicable): Original promissory note to prove standing AND Loan Papers  
original Mortgage - unaltered, blue-wet-ink - Signature original

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk\_\_\_\_\_  
Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)  
 \_\_\_\_\_, who issues or requests this subpoena, are:

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4)

Case 1:19-11441-CLB, Doc 219, Filed 02/07/20, Entered 02/07/20 15:47:00,

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